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|----|---|----------------------------|-----------------------------|
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| 5  |   |                            |                             |
| 6  | IN THE UNITED STATES DISTRICT COURT   |                            |                             |
| 7  | FOR THE DISTRICT OF ARIZONA   |                            |                             |
| 8  |   |                            |                             |
| 9  | Manuel Reyes-Alcaraz,   | ) No. CV-04-2495           | -PHX-DGC (ECV)              |
| 10 | Petitioner,   | ORDER                      |                             |
| 11 | V.  |                            |                             |
| 12 | Alberto R. Gonzales, et al.,  | )                          |                             |
| 13 | Respondents.  |                            |                             |
| 14 | 1.0sp 0.10011151  | )                          |                             |
| 15 |   | Ĺ                          |                             |
| 16 |   |                            |                             |
| 17 | Pending before the Court is United States Magistrate Judge Edward Voss's Report               |                            |                             |
| 18 | and Recommendation ("R&R"). Doc.  | #15. The Magistr           | ate Judge recommends that   |
| 19 | the Court transfer this action to the United States Court of Appeals for the Ninth Circuit    |                            |                             |
| 20 | pursuant to the REAL ID Act of 2005. Id. at 3-4 (citing REAL ID Act § 106(a)(1)(B),           |                            |                             |
| 21 | 8 U.S.C. § 1252(a)(5)); Fernandez-Ruiz v. Gonzales, 410 F.3d 585, 587 (9th Cir. 2005)). The   |                            |                             |
| 22 | Magistrate Judge advised the parties that they had ten days to file objections to the R&R     |                            |                             |
| 23 | and that the failure to timely file objections to any determination of the Magistrate Judge   |                            |                             |
| 24 | would be considered a waiver of the right to review of such determination. Id. at 3-4 (citing |                            |                             |
| 25 | 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); United States v. Reyna-Tapia, 328 F.3d 1114,    |                            |                             |
| 26 | 1121 (9th Cir. 2003)).  |                            |                             |
| 27 | The parties did not file objections, which relieves the Court of its obligation to            |                            |                             |
| 28 | review the R&R. See Reyna-Tapia, 328  | F.3d at 1121; <i>Thoma</i> | s v. Arn, 474 U.S. 140, 149 |
|    |   |                            |                             |

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(1985) ("[Section 636(b)(1)] does not . . . require any review at all . . . of any issue that is not the subject of an objection."); Fed. R. Civ. P. 72(b) ("The district judge . . . shall make a de novo determination . . . of any portion of the magistrate judge's disposition to which specific written objection has been made[.]"). The Court has nonetheless reviewed the R&R and finds that it is well-taken. The Court will accept the R&R and transfer this action to the Ninth Circuit Court of Appeals. *See* 28 U.S.C. § 636(b)(1) (stating that the district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate"); Fed. R. Civ. P. 72(b) (same).

## IT IS ORDERED:

- 1. Magistrate Judge Edward Voss's R&R (Doc. #15) is **accepted**.
- 2. The Clerk of Court shall **transfer** this action to the United States Court of Appeals for the Ninth Circuit.

and b. Campbell

David G. Campbell

United States District Judge

DATED this 31st day of October, 2005.